

02-9065 MUHAMMAD v. CLOSE

Ruling below: CA 6, No. 02-1043, 9/23/02 unpublished.

QUESTIONS PRESENTED:

~~I. — Is the appellate court's holding contrary to rules promulgated by this court pursuant to title 28 U.S.C. §2072, specifically Federal Rules of Civil Procedure, Rule 15(A);—~~

~~II. — Is the application of the "favorable termination requirement" of *Heck v. Humphrey*, 512 U.S. 477 (1994) as applied in *Huey v. Stine*, 230 F3d 226 (6th Circ., 2000) the correct standard for analyzing 42 U.S.C. §1983 claims by prisoners that are no longer "in custody" for purposes of 28 U.S.C. §2254 habeas corpus relief or does this court's holding in *Spencer v. Kemna*, 523 U.S. 1, (1998) state another precedent, and how does either doctrine apply to this case; and,~~

~~III. — Did the appellate court err in affirming the district court's grant of summary judgment in this case?~~

CERT. GRANTED: 6/16/03

Limited to the following questions:

1. Whether a plaintiff who wishes to bring a Sec. 1983 suit challenging only the conditions, rather than the fact or duration, of his confinement, must satisfy the favorable termination requirement of *Heck v. Humphrey*.
2. Whether a prison inmate who has been, but is no longer, in administrative segregation may bring a Sec. 1983 suit challenging the conditions of his confinement (i.e. his prior placement in administrative segregation) without first satisfying the favorable termination requirement of *Heck v. Humphrey*.